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To: Commissioner for Patents

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Fax No.: 703-872-9306

From: Nancy L. Glynn for Vincent M. Powers, Reg. No. 36,246

Legal Department

Fax No.: 650-638-6677

Telephone No.: 650-638-6308

Email: glynnnl@applera.com

Subject: Information Disclosure Statement  
U.S. Patent Application No. 10/801,092  
Filing Date: March 15, 2004  
In re Application of: MENCHEN et al.  
Title: MOBILITY-MODIFYING CYANINE DYES

Our File: 4460 D1 US

No. of pages (including cover sheet): 5

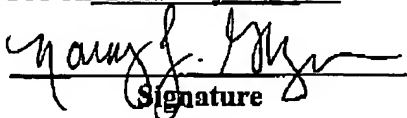
Enclosures:

Information Disclosure Statement (3 pages); and  
PTO-1449 (1 page)

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Case No. 4460D1 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/801,092  
Applicant(s) : MENCHEN et al.  
Filed : March 15, 2004  
TC/A.U. : 1626  
Examiner : To be assigned  
For : **MOBILITY-MODIFYING  
CYANINE DYES**  
Customer No. : 22896

Confirmation No.: 9490

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**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
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Sir:

Applicants submit herewith patents, publications or other information (listed on the attached Form PTO-1449) of which they are aware, which may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56.

This Information Disclosure Statement:

- (a) ☐ accompanies a new patent application submitted herewith.
- (b) ☐ is filed within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 CFR §1.491.
- (c) ☒ as far as is known to the undersigned, is filed before the mailing date of a first Office action on the merits.
- (d) ☐ as far as is known to the undersigned, is filed before the mailing date of a first

*Appl. No. 10/801,092*

- Office action after the filing of a request for continued examination under § 1.114.
- (e) ☐ is filed after the first Office Action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final action under § 1.113, a notice of allowance under § 1.311, whichever occurs first, and is accompanied by either the fee (\$180) set forth in 37 CFR § 1.17(p) or a certification as specified in 37 CFR § 1.97(e), as checked below. Should any fee be due, the U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 01-2213 in the amount of \$180.00 to cover the cost of this Information Disclosure Statement. Any deficiency or overpayment should be charged or credited to this deposit account. **A duplicate of this sheet is enclosed.**
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[If either of boxes (e) or (f) is checked above, the following "certification" under 37 CFR § 1.97(e) may need to be completed.] The undersigned certifies that:

- ☐ Each item of information contained in the information disclosure statement was first cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
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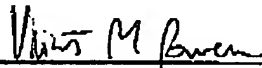
*Appl. No. 10/801,092*

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR §1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR §1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR §1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR §1.98 and MPEP §609 and the Examiner is respectfully requested to consider the listed references.

Respectfully submitted,

Date: Feb. 25, 2005

  
\_\_\_\_\_  
Vincent M. Powers  
Attorney for Applicants  
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Telephone: 650-638-6492  
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Substitute for form 1449A/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				Application Number	10/801,092
				Filing Date	March 15, 2004
				First Named Inventor	Steven M. Menchen
				Group Art Unit	1626
				Examiner Name	To be assigned
Sheet	1	of	1	Attorney Docket No.	4460D1 US

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
		3734739	A	Borror, A.	05-22-1973	
		4981977		Southwick et al	01-01-1991	
		5268486		Waggoner et al.	12-07-1993	
		5321130		Yue et al.	06-14-1994	
		5486616		Waggoner et al.	01-23-1996	
		5569587		Waggoner	10-29-1996	
		5569766		Waggoner et al.	10-29-1996	
		5627027		Waggoner	05-06-1997	
		5800996		Lee et al.	09-01-1998	
		5863727		Lee et al.	01-26-1999	
		5945526		Lee et al.	08-31-1999	
		6004536		Leung, et al.	12-21-1999	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. 1	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T <sup>3</sup>
		Office <sup>2</sup>	Number <sup>4</sup>	Kind Code <sup>2</sup> (if known)				
		WO	99/05221	A	Nycomed Amersham	02-04-1999		
		WO	97/13810	A	Sorin Biomedic Cardio SPA	04-17-1997		
		WO	97/40104	A	Amersham International PLC	10-30-1997		
		WO	96/13552	A	Molecular probes	05-09-1996		
		WO	93/06482	A	Molecular Probes	04-01-1993		

OTHER ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>3</sup>
		Brooker et al., 1945, "Absorption Spectra of Dyes with Heteroaromatic Nucleic Acid and Constitution. Part VII. Interpretation of Absorptions of Dyes Containing Heterocyclic Nuclei of Different Basicities," J. Am. Chem. Soc. 67:1875:1889 (in particular at page 1878)	
		Schafer, Ed, 1973, "Dye Lasers," Topics in Applied Physics. 4:144-196, Springer-Verlag, New York, Heidelberg, Berlin.	
		Tu et al., 1998, "The influence of fluorescent dye structure of the electrophoretic mobility of end-labeled DNA," Nucl. Acids Res. 26(11):2797-2802.	

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